

*United States District Court*  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 08-CR-86

DONALD W. SIMMS, II,

Defendant.

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**COURT MINUTES**  
**HONORABLE CHARLES N. CLEVERT, JR., PRESIDING**

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Date: November 12, 2008

Proceeding: Oral Disposition and Final Pretrial Conference

FTR Start Time: 11:35:45 a.m. FTR End Time: 11:59:02 a.m.

Court Reporter: None Deputy Clerk: Kris Wilson

Appearances: P: Assistant U.S. Attorney William J. Lipscomb  
D: Donald W. Simms, II, with Attorney Rodney L. Cubbie

Disposition: The court adopts in part the Magistrate Judge's Report and Recommendation of August 26, 2008. [43]

The defendant's Motion to Suppress Evidence is Sustained as to the Garbage Pull but Denied as to the Search Warrant. [27]

The court grants the joint request of the parties to adjourn the jury trial scheduled to commence November 24, 2008.

The final pretrial conference and jury trial are rescheduled to December 12, 2008, at 3:30 p.m., and to January 5, 2009, at 8:30 a.m., respectively.